# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/677,164 | 09/30/2003 | Lawrence J. Gutkowski | 200311408-1 | 8183 |

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| 22879 7590 03/20/2007<br>HEWLETT PACKARD COMPANY<br>P O BOX 272400, 3404 E. HARMONY ROAD<br>INTELLECTUAL PROPERTY ADMINISTRATION<br>FORT COLLINS, CO 80527-2400 | **EXAMINER**<br>CHOW, JEFFREY J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2628 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 03/20/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on <u>05 January 2007</u>.

2a)☒ This action is **FINAL**.       2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments regarding claims 1 – 57, filed 05 January 2007, have been fully considered but they are not persuasive.

Applicant argues that Geigel et al. (US 2002/0122067) does not identify a set of digitized objects within a digital image (page 18). Geigel discloses the system 124 takes as input a collection of images where the Page Creator Module 126 is responsible for assigning each image to an album page (paragraph 77 and Figures 7, 19 – 38). Geigel discloses each page has one or more images assigned to it (paragraph 114 and Figure 11). As broadly claimed, Geigel's system does contain images within an album page (paragraph 89 and Figure 9) and Geigel's system does identify images that are in an album page (paragraph 114 and Figure 11).

Applicant argues that Geigel mentions nothing of altering or adjusting any sub element or object of a digital image and placement of distinct digital images is not the same as the adjustment of a digitized object within a given digital image. Geigel also discloses the system 124 has the Image Placement Module 132 that positions the images on each individual page along with other images (paragraph 77 and Figure 7). In the original disclosure of the present application and as best understood by the Examiner, "A digital image is an electronic grid of pixels selected and arranged to reveal any combination of text and/or graphics" (paragraph 13) and "Each digitized object is a sub-grid of pixels (within the digital image) selected and arranged to reveal a replica of a surface of a corresponding physical object. In other words, a digitized object is an electronic replica of at least a portion of a physical object" (paragraph 14). Geigel discloses a Page Creator Module which is responsible for distributing images amongst various

album pages and an Image Placement Module which positions images on individual pages

(paragraph 54). Geigel discloses the term 'images' includes, not limited to, computer generated

graphics, bitmaps, photographs, computer altered photographs, video still frames, scanned

images, various forms of artwork, text, background materials, and even video clips, animation,

and computer generated time variant materials (paragraph 55). Examiner reasonably interprets

Geigel's 'album page' to read on applicant's 'digital image' because the album page contains

and arranges images (ie. scanned images and text) and the album page has an arrangement of

pixels as it manages and layouts the images at certain positions. Examiner reasonably interprets

Geigel's 'images' to read on applicant's 'digital object' as the images have pixel, location, and

size properties and the images can be scanned images.

Objections to the specification have been withdrawn due to applicant's amendments.

Objections to the claims have been withdrawn due to applicant's amendments.

The 35 U.S.C. 112 rejections have been withdrawn due to applicant's amendments

## *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 24 – 28, 47, 53, 54, and 57 are rejected under 35 U.S.C. 102(e) as being

anticipated by Geigel (US 2002/0122067).

Regarding independent claims 1, 24, 47, and 57, Geigel discloses the system 124 takes as

input a collection of images where the Page Creator Module 126 is responsible for assigning

each image to an album page (paragraph 77 and Figures 7, 19 - 38), which reads on the claimed

detection module operable to identify, within the digital image, a set of digitized objects. Geigel

also discloses the system 124 has the Image Placement Module 132 that positions the images on

each individual page along with other images (paragraph 77 and Figure 7), which reads on the

claimed adjustment module operable to adjust at least one digitized object within the digital

image so that the adjusted digitized object at least substantially conforms to a prescribed state.

Regarding dependent claims 3 – 5 and 26 – 28, Geigel discloses the Albuming

Automation System (AAS) 2 receives input 4 from one of a variety of image sources where the

refined image information is coupled to the automatic page layout process 52 and where the page

layout data is coupled to an output format module 54 and where the album page is rendered for

display, printing, or transfer to any another medium (paragraphs 56 and 57 and Figure 1), which

reads on the claimed instruction for generating the digital image of a set of objects, each of the

set of digitized objects being a digital replica of one of the set of objects, which reads on the

claimed instructions for identifying and adjusting are executed automatically upon generation of

the digital image, and which reads on the claimed instructions for automatically instructing that

the digital image be produced upon execution of the instruction for identifying and adjusting.

Regarding dependent claims 2 and 25, Geigel discloses Figures 19 – 22, 33 and 34, which reads on the claimed instructions for adjusting affect one or more of a size, a location, and an orientation of the digitized object.

Regarding dependent claim 53 and 54, Geigel discloses the AAS recalls the user preferences 12 and apply them to new batches of images and the AAS detects digital images and adjust digital images based on user preferences 12 and the AAS outputs from the automatic page layout module 52 (paragraphs 56 and 57 and Figure 1), which reads on the claimed interface module operable to direct the detection module and the adjustment module to perform their functions upon generation of the digital image and the claimed interface module operable to send instructions for producing the digital image once the detection module and the adjustment module have performed their functions.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 – 23, 29 – 46, and 48 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel (US 2002/0122067) in view of Venable (US 6,738,154).

Regarding dependent claims 6 – 19, 22, 29 – 42, 45, 48, 50, and 51, Geigel discloses Figures 19 – 22, 33 and 34 and user preferences 12 being stored in a user preference database 20 and are subsequently decoded 24 for use in processing the user preferences along with the image

information (paragraph 56 and Figure 1). But Geigel did not explicitly disclose an alignment

grid, snapping line, edge lines, alignment edge, rotation, or anything that deals with aligning

images to a grid like pattern, but Geigel discloses the use of grids to provide unity among the set

of digital objects (paragraph 84 and Figure 27) and examples of digital objects be repositioned,

aligned, rotated (Figures 27 – 29). Venable discloses images being scanned at the same time

where the system recognizes the digital objects (column 5, line 58 – column 6, line 12). Venable

also discloses the system detecting separate photographs that were scanned (column 6 lines, 13 –

31). Venable also discloses the system detecting edges for rotation (column 10 lines 5 – 53).

Venable also discloses a grid and the scanned images being fashioned to a grid-like layout

(column 12, lines 40 – 49 and Figures 8 and 10 - 12). It would a been obvious for one of

ordinary skill in the art at the time of the invention to modify Geigel's system with Venable's

teachings of aligning and snapping digital objects with edges that are detected to an alignment

grid by rotating and positioning the digital objects to the alignment grid to automatically detect

digital objects, to automatically detect edges within the digital objects that are substantially

perpendicular to each other, to automatically determine the angle of rotation of the digital objects

to align the digital objects to an alignment grid, to automatically snapping and position the digital

objects once the angle of rotation of the digital objects have been determined, to display the

scanned digital objects in a grid-like fashion, and to scan multiple images to be rotated, snapped,

and align to a determined template that is defined by the user, which improves efficiency and

requires less time to align images on the scanner by allowing users to scan large amount of

digital objects at the same time and allowing the system to automatically align the digital objects

to the desired template defined by the user with little or no user interactions.

Regarding claims 20, 21, 43, 44, and 52, Geigel discloses digital objects being resized

and positioned so that other digitized objects can span the dimension of the digital image and

where the digital image is the album page or the layout of the digital objects, (Figures 27 – 29

and 33 – 37) and Geigel discloses Figures 19 – 22, 33 and 34 and user preferences 12 being

stored in a user preference database 20 and are subsequently decoded 24 for use in processing the

user preferences along with the image information (paragraph 56 and Figure 1).

Regarding independent claims 23 and 46 and dependent claim 49, Geigel discloses the

system 124 takes as input a collection of images where the Page Creator Module 126 is

responsible for assigning each image to an album page (paragraph 77 and Figure 7), which reads

on the claimed instruction for identifying, within a digital image, a set of digitized objects. But

Geigel did not explicitly disclose an alignment grid, snapping line, edge lines, alignment edge,

rotation, or anything that deals with aligning images to a grid like pattern, but Geigel discloses

the use of grids to provide unity among the set of digital objects (paragraph 84 and Figure 27)

and examples of digital objects be repositioned, aligned, rotated (Figures 27 – 29). Venable

discloses images being scanned at the same time where the system recognizes the digital objects

(column 5, line 58 – column 6, line 12). Venable also discloses the system detecting separate

photographs that were scanned (column 6 lines, 13 – 31). Venable also discloses the system

detecting edges for rotation (column 10 lines 5 – 53). Venable also discloses a grid and the

scanned images being fashioned to a grid-like layout (column 12, lines 40 – 49 and Figures 8 and

10 - 12). It would a been obvious for one of ordinary skill in the art at the time of the invention

to modify Geigel's system with Venable's teachings of aligning and snapping digital objects

with edges that are detected to an alignment grid by rotating and positioning the digital objects to

the alignment grid to automatically detect digital objects, to automatically determine the angle of

rotation of the digital objects to align the digital objects to an alignment grid, to automatically

snapping and position the digital objects once the angle of rotation of the digital objects have

been determined, to display the scanned digital objects in a grid-like fashion, and to scan

multiple images to be rotated, snapped, and align to a determined template that is defined by the

user, which improves efficiency and requires less time to align images on the scanner by

allowing users to scan large amount of digital objects at the same time and allowing the system

to automatically align the digital objects to the desired template defined by the user with little or

no user interactions.


Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geigel

(US 2002/0122067) in view of Nakane (US 6,999,207).

Regarding independent claim 55 and dependent claim 56, Geigel discloses the system

124 takes as input a collection of images where the Page Creator Module 126 is responsible for

assigning each image to an album page (paragraph 77 and Figures 7, 19 - 38), which reads on the

claimed detection module operable to identify, within the digital image, a set of digitized objects.

Geigel also discloses the system 124 has the Image Placement Module 132 that positions the

images on each individual page along with other images (paragraph 77 and Figure 7), which

reads on the claimed adjustment module operable to adjust at least one digitized object within the

digital image so that the adjusted digitized object at least substantially conforms to a prescribed

state. Geigel also discloses the album page to be rendered for display, printing, or transfer to any

another medium (paragraph 56), which reads on the claimed print engine operable to produce the

digital image on a media sheet. However, Geigel did not explicitly disclose a scan engine nor did Geigel explicitly disclose an automatic process from the scan engine to the print engine, but Geigel did disclose the use of scanned images (paragraph 55). Nakane discloses a system that scans a plurality of photos, where the photos are automatically detected on the side of the copying machine, so that the photos are automatically arranged in a predetermined layout to be printed out. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Geigel's system with Nakane system of scanning, auto-arranging, auto-aligning, and auto-printing photo's after auto-arranging and auto-aligning to accustom with user preferences in arrangements and alignments of photos in a scanned image with little user interactions or without user interactions after input of photos have been received or in an automated system as described above, which provides users efficiency and a time saving automated system to scan and print bulk images with the desired user preferences.

## *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
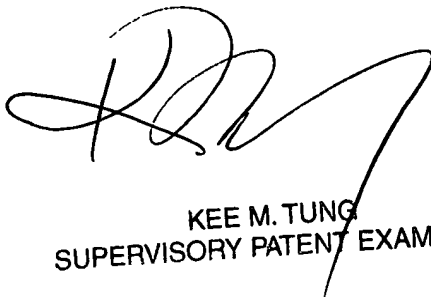
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Chow whose telephone number is (571)272-8078. The examiner can normally be reached on Monday - Friday 10:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC

KEE M. TUNG
SUPERVISORY PATENT EXAMINER